



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda.

#### 5:00 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda
- Meeting will recess until 6:00 p.m.

#### 6:00 p.m. session

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. [www.cityoftucson.org/agdocs](http://www.cityoftucson.org/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.cityoftucson.org](http://www.cityoftucson.org). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Fred Ronstadt – Vice Mayor**

#### Council Members

**José J. Ibarra**      **Ward 1**  
**Carol W. West**      **Ward 2**  
**Kathleen Dunbar**      **Ward 3**

**Shirley C. Scott**      **Ward 4**  
**Steve Leal**      **Ward 5**  
**Fred Ronstadt**      **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: [www.cityoftucson.org/agdocs](http://www.cityoftucson.org/agdocs)), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
Tuesdays – 9:00 p.m.      Wednesdays – 9:00 a.m.      Sundays – 9:00 a.m.  
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, FEBRUARY 9, 2004 – 5:00 P.M.**  
**MAYOR AND COUNCIL CHAMBERS**  
**(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Pastor Joel Hutchinson, New Life Wesleyan Christian Center

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION –

- (a) Presentation of Certificates to 12 students with the International Student Programs office at the University of Arizona.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager FEB9-04-61 CITY-WIDE

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager FEB9-04-62 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- (a) Report from City Manager FEB9-04-60 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- |     |   |  |
|-----|---|--|
| (1) | MONKEY BOX<br>100 N. Stone #102<br>Applicant: Rachel A. Yaseen<br>City #120-03, located in Ward 6<br>Series #12<br>Action must be taken by: February 20, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance            |
| (2) | GUZANO ROJO'S<br>811 N. Euclid<br>Applicant: Randy D. Nations<br>City #002-04, located in Ward 6<br>Series #12<br>Action must be taken by: February 26, 2004  | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: <b>Review in process</b><br>Bus. License: In Compliance |

**PUBLIC OPINION: PROTESTS FILED**

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

**Person Transfer**

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|-----|--|---|
| (3) | EMBASSY SUITES HOTEL<br>5335 E. Broadway Blvd.<br>Applicant: Randal G. Dix<br>City #003-04, located in Ward 6<br>Series #6<br>Action must be taken by: February 26, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: <b>Review in process</b><br>Bus. In Compliance |
|-----|--|---|

NOTE: For a person to person transfer, Mayor and Council may consider both the applicant's capability, qualifications and reliability.

Person/Location Transfer(s)

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|--|---|
| (4)    NOTHING BUT NOODLES<br>3225 N. Swan Road #105<br>Applicant: Donald T. Klump<br>City #119-03, located in Ward 2<br>Series #7<br>Action must be taken by: February 14, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance                       |
| (5)    ROOSTER INN<br>5122 S. Nogales Hwy.<br>Applicant: Carlton Van Gorder<br>City #004-04, located in Ward 5<br>Series #6<br>Action must be taken by: February 26, 2004        | <u>Staff Recommendation</u><br><br>Police: <b>Review in process</b><br>DSD: <b>Review in process</b><br>Bus. License: In Compliance |

NOTE: For a person and location transfer, Mayor and Council can consider both the applicant's capability, qualifications and reliability and location issues.

(c)    Special Event(s)

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|---|--|
| (1)    YOUTH WORKS COMMUNITY<br>BASED HIGH SCHOOL<br>Grande Ave between St. Mary's & Speedway<br>Applicant: Margaret McKenna<br>City #T001-04, located in Ward 1<br>Date of Event: February 21, 2004<br>February 22, 2004<br>(Neighborhood Street Fair) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (2)    OUR MOTHER OF SORROWS CHURCH<br>1800 S. Kolb Road<br>Applicant: Kenneth C. Mecum<br>City #T002-04, located in Ward 4<br>Date of Event: February 21, 2004<br>(School/Parish Fundraiser)   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |

**PUBLIC OPINION: PROTEST FILED**

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| (3) | COMITÉ DE FESTIVIDADES MEXICANAS<br>3700 S. La Cholla Blvd.<br>Applicant: Mercedes M. Guerrero<br>City #T003-04, located in Ward 1<br>Date of Event: February 15, 2004<br>(To Celebrate “Día de Los Enamorados”)                         | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Parks & Rec: In Compliance |
| (4) | THE CARFENDER BARTENDER<br>“YOUTH ON THEIR OWN” CHARITY<br>BENEFIT FOR UA LAW SCHOOL<br>288 N. Church<br>Applicant: Megan G. Nielsen<br>City #T005-04, located in Ward 1<br>Date of Event: February 27, 2004<br>(Charity Raffle/Benefit) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                               |
| (5) | BORDERLANDS THEATER<br>40 W. Broadway Blvd.<br>Applicant: Charles B. Goldsmith<br>City #T010-04, located in Ward 6<br>Date of Event: February 19, 2004<br>(Reception for Play by Borderlands Theater)                                    | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: <b>Review in process</b>                    |

**6. CONSENT AGENDA ITEMS A THROUGH H**

**A. INTERGOVERNMENTAL AGREEMENT: WITH UNIVERSITY OF ARIZONA WATER RESOURCES RESEARCH CENTER TO ENHANCE WATER EDUCATION VIA PROJECT WET**

- (1) Report from City Manager FEB9-04-68 CITY-WIDE
- (2) Resolution No. 19763 relating to water; authorizing the execution of an Intergovernmental Agreement with the University of Arizona’s Water Resources Research Center to enhance water education via Project WET; and declaring an emergency.

**B. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR SHARING LAW ENFORCEMENT INFORMATION**

- (1) Report from City Manager FEB9-04-69 CITY-WIDE
- (2) Resolution No. 19772 relating to police; approving and authorizing execution of an Intergovernmental Agreement with Pima County for Sharing Law Enforcement Information; and declaring an emergency.

**C. AGREEMENT: WITH ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD FOR ASSIGNMENT OF AN OFFICER TO THE BOARD**

- (1) Report from City Manager FEB9-04-70 CITY-WIDE
- (2) Resolution No. 19773 relating to the Police Department; approving and authorizing execution of an agreement with the Arizona Peace Officer Standards and Training Board (AZ POST); and declaring an emergency.

**D. ASSURANCE AGREEMENT: (S03-007) SILVERBELL TRAILS, LOTS 1 TO 42 AND COMMON AREAS “A”, “B”, “C”, “D” AND “E”**

- (1) Report from City Manager FEB9-04-72 W1
- (3) Resolution No. 19776 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-007 of a Final Plat for the Silverbell Trails Subdivision, Lots 1 to 42 and Common Areas “A” – “E”; and declaring an emergency.

**E. FINAL PLAT: (S03-007) SILVERBELL TRAILS, LOTS 1 TO 42 AND COMMON AREAS “A”, “B”, “C”, “D” AND “E”**

- (1) Report from City Manager FEB9-04-66 W1
- (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**F. ASSURANCE AGREEMENT: (S03-009) RANCHO PARAISO, LOTS 1 TO 183 AND COMMON AREAS “A-1” – “A-6” AND “B-1” – “B-2”**

- (1) Report from City Manager FEB9-04-71 W4
- (2) Resolution No. 19775 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-009 of a Final Plat for the Rancho Paraiso Subdivision, Lots 1 to 183 and Common Areas “A-1” – “A-6” and “B-1” – “B-2”; and declaring an emergency.

**G. FINAL PLAT: (S03-009) RANCHO PARAISO, LOTS 1 TO 183 AND COMMON AREAS “A-1” – “A-6” AND “B-1” – “B-2”**

- (1) Report from City Manager FEB9-04-67 W4
- (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**H. BOARDS, COMMISSIONS AND COMMITTEES: ELIMINATION OF THE BUDGET ADVISORY COMMITTEE AND THE PERFORMING ARTS CENTER ADVISORY BOARD**

- (1) Report from City Manager FEB9-04-59 CITY-WIDE
- (2) Resolution No. 19774 relating to Boards, Committees, and Commissions; eliminating the Performing Arts Center Advisory Board and the Budget Advisory Committee; repealing Resolution Nos. 15975 and 15763; and declaring an emergency.

**RECESS**

**MEETING WILL RECONVENE AT 6:00 P.M.**

## **RECONVENE (6:00 P.M.)**

### **ROLL CALL**

#### **7. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

#### **8. TUCSON CODE: AMENDING (CHAPTER 27) RELATING TO ADOPTION OF INCREASE IN SANTA RITA BEL AIR ISOLATED WATER SYSTEM FEE**

- (a) Report from City Manager FEB9-04-64 OUTSIDE CITY
- (b) Ordinance No. 9935 relating to water; authorizing the adoption of a fee update to increase the Santa Rita Bel Air Isolated Water System fee by amending Chapter 27, Article II, Section 27-36(b) of the Tucson Code; and declaring an emergency.

#### **9. ZONING: (C9-03-20) BRAKE MAX – SWAN ROAD, C-1 TO C-2, CITY MANAGER'S REPORT**

- (a) Report from City Manager FEB9-04-65 W2
- (b) Report from Zoning Examiner dated January 23, 2004
- (c) Request to rezone approximately 0.48 acres from C-1 (Low-intensity Commercial) to C-2 (General Commercial) zoning. Applicant: Cheryl Hall of Tierra Right-of-Way Services, on behalf of the property owners, Park West Development.

The rezoning site is located within an existing shopping center on the northwest corner of Camp Lowell Drive and Swan Road.



Planning Considerations: The applicant's request is in general compliance with the *Northside Area Plan* the *General Plan* and the *Design Guidelines Manual*. The proposed automotive service and repair use is compatible with the existing shopping center subject to appropriate design to mitigate the proposed increased intensity of use within the shopping center.

The Zoning Examiner recommends approval of C-2 zoning. The City Manager recommends approval of C-2 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated August 20, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Architectural design, material, signage, and colors shall be consistent with the existing shopping center. All building elevations shall have equal architectural treatment and shall be visually perceived as a site developed by a single entity. Elevations to be provided at the time of development plan review.
3. East south and west elevation shall incorporate a variety of rooflines.
4. Maximum building height of 30 feet.
5. Dumpsters shall not be located within 60 feet of the west property line.
6. There shall be no outdoor storage.
7. All signage shall be in compliance with the signage plan required in rezoning case C9-95-21 Levis – Swan Road.
8. Hours of operation shall be limited to 7 A.M. to 7 P.M, Monday through Saturday.
9. A minimum of five (5) new canopy trees shall be planted on the site as shown on the preliminary development plan. All new trees shall be a minimum of 24-inch box size.
10. Freestanding and wall mounted outdoor lighting shall be full cut off and directed downward and away from adjacent residential uses. Light poles shall be no higher than 18 feet measured from the light source.

11. No temporary signs including balloon signs, banners and pennants, except for one grand opening banner for a period of 45 days from store opening.
12. The 12 foot high screen and/or noise wing wall extending out from the west side of the building shall utilize design features consistent with the design of the proposed building. Landscaping shall be planted on the west side of the wall to break up the wall mass.
13. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
14. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
15. Every effort shall be made to direct runoff from rooftops and paved areas to planting areas wherever possible.
16. The developer shall notify and conduct a meeting with property owners within 300 feet of the rezoning site, representatives of the Old Fort Lowell, and Barrio del Este Neighborhood Associations, to review the proposed development plan. Review to include all building elevations, architectural details, colors, and signage. Meeting to be scheduled no sooner than 30 days prior to the submittal of a development plan to the City of Tucson Community Design Review Committee (CDRC). Submittal of development plan to the City of Tucson shall include documentation of this meeting, including names of attendees, and minutes of the meeting.
17. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

18. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
19. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
20. Any change of use shall require a public hearing before the Mayor and Council.
21. Recordation of a covenant with other property owners or the neighborhood association as proposed by the applicant that restricts the rezoning site to C-1 uses and an automotive service as allowed under C-2 zoning.
22. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

One (1) written approval and five (5) written protests have been received. None of the protests are within the 150 foot area, resulting in a zero (0) percent protest by area in all four directions.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

## **10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager FEB9-04-63 CITY-WIDE

## **11. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, February 23, 2004, at 5:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.